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Lead Counsel for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE CALPINE CORPORATION ERISA
LITIGATION

) Master File No. C 03-1685 SBA

)

) **CLASS ACTION**

)

)

) **STIPULATION and (PROPOSED)**

) **ORDER EXTENDING PAGE LIMIT**

) **ON MOTION FOR FINAL**

) **APPROVAL OF SETTLEMENT AND**

) **MOTION FOR ATTORNEYS' FEES**

) **AND REIMBURSEMENT OF**

) **EXPENSES AND CASE**

) **CONTRIBUTION COMPENSATION**

)

THIS DOCUMENT RELATES TO:

ALL ACTIONS

1 Plaintiffs and Defendants hereby stipulate pursuant to Local Rules 7-11 and 7-12 as
2 follows:

3 The parties reached a settlement of the claims asserted in this action and the settlement
4 was preliminarily approved per the Court's Order of July 17, 2008. Plaintiffs are now filing
5 memoranda of law in support of their Motions for Final Approval of Settlement and for an
6 Award of Attorneys' Fees, Reimbursement of Expenses and Case Contribution Compensation
7 that exceed the page limit for motions. The extra pages are required to adequately provide the
8 court with the information it needs to assess the settlement, particularly in light of the fact that
9 this is an ERISA action that has been considered by the District Court and is affected by a
10 bankruptcy filing by the primary defendant.

11 THEREFORE, the parties, by and through their respective counsel, hereby stipulate and
12 agree, and Plaintiffs request the Court to order that the page limit for both the Motion for Final
13 Approval of Settlement and the Motion for an Award of Attorneys' Fees is 40 pages each.

14
15 Dated: October 8, 2008

GREEN WELLING LLP

16
17 By: /s/
Robert S. Green

18 595 Market Street, Suite 2750
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21 Liaison Counsel for Plaintiffs

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27 Lead Counsel for Plaintiffs
28

1 Dated: October 8, 2008

MORRISON & FOERSTER LLP

2
3 By: /s/
Paul Flum

4 425 Market Street
5 San Francisco, CA 94105
6 Telephone: (415) 268-7000
Facsimile: (415) 268-7522

7 Counsel for Defendant Calpine Corporation

8 Dated: October 8, 2008

LATHAM & WATKINS LLP

9
10 By: /s/
11 John C. Tang

12 140 Scott Drive
13 Menlo Park, CA 94025
14 Telephone: (650) 328-4600
Facsimile: (650) 463-2600

15 Counsel for Individual Defendants

16 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

17
18 Dated: 10/10/08


19 The Honorable Sandra B. Armstrong
United States District Judge

20
21 **GENERAL ORDER 45(X)**

22 I, Robert S. Green, am the ECF user whose ID and password are being used to file this
23 Stipulation and [Proposed] Order. In compliance with General Order 45 (X)(B), I hereby attest
24 that Paul Flum and John C. Tang concurred in this filing.

25 Dated: October 8, 2008

26 By: /s/
Robert S. Green

CERTIFICATE OF SERVICE

I, Leslie R. Cuesta, hereby declare as follows:

I am employed by Green Welling, A Limited Liability Partnership, 595 Market Street, Suite 2750, San Francisco, California 94105. I am over the age of eighteen years and am not a party to this action. On October 8, 2008, I served the within document(s):

**STIPULATION and (PROPOSED) ORDER EXTENDING PAGE LIMIT
ON MOTION FOR FINAL APPROVAL OF SETTLEMENT
AND MOTION FOR ATTORNEYS' FEES AND REIMBURSEMENT
OF EXPENSES AND CASE CONTRIBUTION COMPENSATION**

by placing the document(s) listed above for collection and mailing following the firm's ordinary business practice in a sealed envelope with postage thereon fully prepaid for deposit in the United States mail at San Francisco, California addressed as set forth below.

John C. Tang
LATHAM & WATKINS LLP
140 Scott Drive
Menlo Park, CA 94025
Telephone: (650) 328-4600
Facsimile: (650) 463-2600

I declare under penalty of perjury under the laws of the State of California that the above is true and correct, executed October 8, 2008, at San Francisco, California.

/s/
Leslie R. Cuesta